

EHM:

United States District Court

STATE AND

MINNESOTA

DISTRICT OF _____

UNITED STATES OF AMERICA
V.
BRUCE W. BETCHER

CRIMINAL COMPLAINT

CASE NUMBER: 05-MJ-356

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. From on or about 5/30/2004 to 10/9/2004 in Dakota county, in the State and District of Minnesota defendant(s) did, (Track Statutory Language of Offense) did use a person under the age of eighteen to engage in sexually explicit conduct, specifically, oral-genital contact and the lascivious exhibition of the genitals and the pubic area of said minor, for the purpose of producing visual depictions of such conduct, specifically digital photographs, which visual depictions were produced using materials that have been mailed, shipped, and transported in interstate and foreign commerce and which visual depictions were actually transported in interstate commerce,

in violation of Title 18 United States Code, Section(s) 2251.

I further state that I am a(n) Special Agent Official Title and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

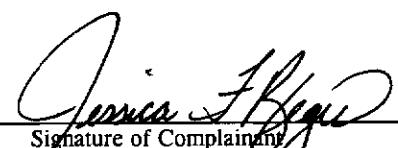
Continued on the attached sheet and made a part hereof: Yes No

Sworn to before me, and subscribed in my presence,

Date September 23, 2005

Arthur Boylan, U.S. Magistrate Judge

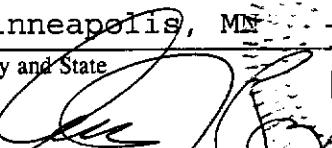
Name & Title of Judicial Officer


Signature of Complainant
Jessica F. Begres

Special Agent, ICE

at Minneapolis, MN

City and State


Signature of Judicial Officer


SCANNED

SEP 23 2005

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF JESSICA F. BEGRES
COUNTY OF HENNEPIN)

I, Jessica F. Begres, being first duly sworn, state as follows:

1. I am a Special Agent employed by the Department of Homeland Security, U.S. Immigration and Customs Enforcement ("ICE") and have been so employed since April 20, 2003. Prior to working for ICE, I was employed with the United States Customs Service since July 2002. I am currently assigned to the Special Agent in Charge Office/St. Paul located in Bloomington, MN. My current assignment includes the investigation of matters involving online exploitation of children as it relates to violations of 18 U.S.C. §§ 2251, 2252, 2252A, and 2256. I have participated in numerous investigations, involving both arrests and searches, pertaining to these types of investigations. I have also received extensive training in computer crime investigations.
2. This affidavit is based upon my training, experience, personal knowledge and observations in this investigation; upon my discussions with other law enforcement officers and agents directly involved in this investigation; and upon my review of official reports submitted in relation to this investigation. This affidavit contains information to support probable cause but is not intended to convey facts of the entire investigation.

3. On September 14, 2005, I received a phone call from Senior Special Agent Joyce Shores, who is assigned to the Cyber Crimes Center and currently a Task Force Agent for the National Center for Missing & Exploited Children ("NCMEC"). SSA Shores explained that in August 2005, ICE agents executed a federal search warrant at a residence in Atlanta, GA. During the search warrant a computer was seized. In excess of 2000 images of child pornography were found within the hard drive of the seized computer. These images were sent to NCMEC to be reviewed by the Child Victim Identification Program ("CVIP"). Approximately 78 images of child pornography and child erotica (with at least six prepubescent girls) were not known to CVIP.
4. An analysis of the background of the images led analysts to believe that the images were taken within the Minneapolis, MN area. These images and the NCMEC reports were sent to me in effort to identify the children and the individual(s) who took the images.
5. I, along with other law enforcement officers investigated the matter. Based on the investigation, defendant BRUCE W. BETCHER was developed as a suspect as having been the individual who took the images.
6. On September 19, 2005, I along with other law enforcement officers executed a state search warrant at the residence of

BRUCE W. BETCHER and his family, located at 3817 Iris Circle, Burnsville, Minnesota. The search warrant authorized agents to search for and seize instrumentalities, fruits and evidence of child pornography.

7. Among others, the following items were seized from the BETCHER residence pursuant to the search warrant:
 - a. Three computers;
 - b. An Olympus camera along with an Olympus picture card;
 - c. At least two discs capable of holding visual depictions; and
 - d. At least one page of pictures containing child pornography appearing to have been printed off of a computer.
8. During the execution of the search warrant, I assisted Detective Steve Adrian of the Burnsville Police Department in interviewing BRUCE W. BETCHER. During the interview, BETCHER admitted to purchasing access to child pornography websites and having actually accessed those sites. In addition, he admitted to having downloaded child pornography, both pictures and videos, to his computer from those websites. He admitted his first purchase was approximately 2-3 years ago and having purchased access as recent as one month ago. He approximated his computer would contain 20-30 videos of child pornography. He denied ever having manufactured child pornography. He did

state, however, that he uses only Olympus cameras for his photographic needs.

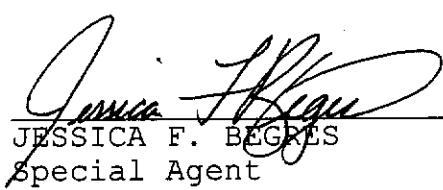
9. I have reviewed the 78 images sent to me by NCMEC for identification. In the images, the children are seen orally copulating each other, kissing each other (including each other breasts), and lewd and lascivious exposing of genitalia. A partial of an adult hand can be seen in one of the images, on the shoulder of one of the girls. Based on my investigation and my familiarity with the interior of the BETCHER residence, I believe that the vast majority of the images were taken in the BETCHER residence.
10. I have identified six of the prepubescent females in the series of pictures. Two of the prepubescent females are BRUCE BETCHER's granddaughters: (1) K.O.B., d/o/b 3/14/93 and (2) K.O., d/o/b 6/7/95. BRUCE BETCHER and wife have custody of K.O.B. and K.O. Another of the prepubescent females, J.K., d/o/b 7/24/93, is a friend K.O.B.
11. One of the images titled P5300008.jpg depicts K.O.B. and J.K. lying on a futon with their legs spread in the air while holding open their vagina. K.O. is nude in the background of the photograph. Based on my investigation, it was determined that the picture was taken in the basement of BRUCE BETCHER's home.
12. One of the images titled P9180021.jpg depicts K.O standing on

her head with a nude K.O.B. holding one of K.O.'s legs and pointing to K.O.'s naked exposed vagina with another nude prepubescent girl holding K.O.'s other leg.

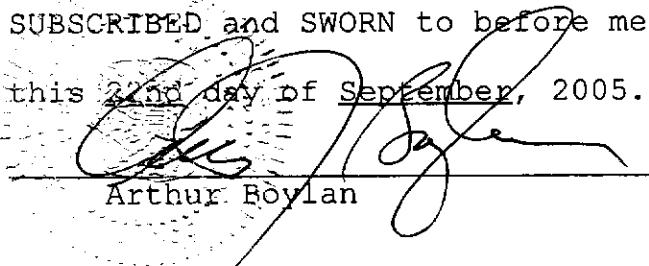
13. One of the images titled PA090058.jpg depicts J.K., naked from at least the waist down, standing on her head with another prepubescent girl making what appears to be oral contact with J.K.'s vagina.
14. One of the images titled PA090065.jpg depicts partially naked J.K. laying on her back with a white jawbreaker candy on her vagina.
15. Information regarding camera make and model can sometimes be located within a JPEG file. This information is called metadata. Image metadata is basically non-picture information that is bundled with picture information in a file. Metadata can include information such as the date and time the picture was taken and what camera model was used to take the picture.
16. A review of the metadata located in the four JPEG images listed in paragraphs 11-14 indicates that an Olympus Digital Camera was used to create the images. The metadata further indicates that:
 - a. P5300008.jpg was created May 30, 2004;
 - b. P9180021.jpg was created on September 18, 2004;
 - c. PA090058.jpg was created on October 9, 2004; and
 - d. PA090065.jpg was created on October 9, 2004.

17. Based on my investigation, I am aware that no Olympus camera, including an Olympus digital camera, is manufactured inside the State of Minnesota.
18. In the course of my investigation, I have interviewed J.K. She has identified herself in the series of photographs and has identified BRUCE BETCHER as being the person who took the majority of the photographs in his home. In addition, she has witnessed BRUCE BETCHER download the pictures he took to his home computer.
19. Based on the above information, it is believed that BRUCE BETCHER used a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had been transported in interstate commerce, in violation of Title 18, United States Code, Section 2251.

Further your Affiant sayeth not.



JESSICA F. BEGRES
Special Agent

SUBSCRIBED and SWORN to before me

this 22nd day of September, 2005.

Arthur Boylan